

PROVIDING FOR THE CONSIDERATION OF H.R. 4103,
DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1999

JUNE 23, 1998.—Referred to the House Calendar and ordered to be printed

Mr. GOSS, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 484]

The Committee on Rules, having had under consideration House Resolution 484, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for consideration of H.R. 4103, “The Department of Defense Appropriations Bill for Fiscal Year 1999,” under a modified open rule.

The rule waives points of order against consideration of the bill for failing to comply with clause 2(l)(6) of rule XI (requiring a 3-day layover of the committee report), clause 7 of rule XXI (requiring printed hearings and reports to be available for 3 days prior to consideration of general appropriations bills), or section 306 of the Budget Act of 1974 (prohibiting consideration of legislation within the jurisdiction of the Budget Committee unless reported by that committee). The rule provides for one hour of general debate equally divided between the chairman and ranking minority member of the Appropriations Committee.

The rule also provides that the amendments printed in this report shall be considered as adopted in the House and in the Committee of the Whole. The rule waives points of order against provisions in the bill which do not comply with clause 2 of rule XXI (prohibiting unauthorized or legislative appropriations in a general appropriations bill) and clause 6 of rule XXI (prohibiting reappropriations in a general appropriations bill).

The rule provides for priority in recognition for those amendments that are pre-printed in the Congressional Record. The rule provides that the chairman of the Committee of the Whole may postpone recorded votes on any amendment and that the chairman

may reduce voting time on postponed questions to 5 minutes, provided that the voting time on the first in a series of questions is not less than 15 minutes. The rule also provides that consideration of section 8106 for amendment under the five-minute rule shall not exceed one hour.

Finally, the rule provides for one motion to recommit with or without instructions.

COMMITTEE VOTES

Pursuant to clause 2(l)(B) of House rule XI the results of each rollcall vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Rollcall No. 97

Date: June 23, 1998.

Measure: H.R. 4103.

Motion by: Mr. Moakley.

Summary of motion: To strike the self-enacting provision in the rule which removes all emergency designated funding from the bill.

Results: Rejected, 3–6.

Vote by Members:

Dreier—Nay; Goss—Nay; Diaz-Balart—Nay; McInnis—Nay; Hastings—Nay; Moakley—Yea; Frost—Yea; Slaughter—Yea; Solomon—Nay.

SUMMARY OF AMENDMENTS CONSIDERED AS ADOPTED IN THE HOUSE AND THE COMMITTEE OF THE WHOLE

1. Removes all emergency designated funding from the bill. Provides \$20 million for expenses associated with the accident involving a United States Marine Corps aircraft on February 3, 1998 near Cavalese, Italy. The \$20 million is to be made available from existing funds in the bill.

2. Prohibits Department of Defense contracting with any firm or person convicted of the unlawful sale or manufacture of the Congressional Medal of Honor for a period of 15 years.

AMENDMENTS CONSIDERED AS ADOPTED IN THE HOUSE AND THE COMMITTEE OF THE WHOLE

On pages 106 and 107 of the bill:

Strike all the text beginning on page 106, line 1, through page 107, the end of line 23 (Section 8105 in its entirety), and replace in lieu thereof the following:

“Sec. 8105. Of the amounts made available in title II of this Act under the heading “Operation and Maintenance, Navy”, \$20,000,000 is available only for emergency and extraordinary expenses associated with the accident involving a United States Marine Corps A–6 aircraft on February 3, 1998, near Cavalese, Italy: *Provided*, That these funds shall remain available until expended: *Provided further*, That notwithstanding any other provision of law, the funds made available by this section shall be available only for payments to persons, communities, or other entities in Italy only for reimbursement for damages resulting from the expenses associated with the accident involving a United States Marine Corps A–

6 aircraft on February 3, 1998, near Cavalese, Italy: *Provided further*, That notwithstanding any other provision of law, funds made available under this section may be used to rebuild or replace the funicular system in Cavalese destroyed on February 3, 1998 by that aircraft: *Provided further*, Than any amount paid to any individual or entity from the amount appropriated under this section shall be credited against any amount subsequently determined to be payable to that individual or entity under chapter 163 of title 10, United States Code, section 127 of that title, or any other authority provided by law for administrative settlement of claims against the United States with respect to damages arising from the accident described in this section: *Provided further*, That payment of an amount under this section shall not be considered to constitute a statement of legal liability on the part of the United States or otherwise to prejudice any judicial proceeding or investigation arising from the accident described in this section.”

On pages 108, 109, and 110 of the bill: Strike all the text beginning on page 108, line 6, through the end of line 3, page 110.

On page 110 of the bill: On page 110, line 4, redesignate Section 9001 as Section 8107.

On page 114 of the bill: On page 114, line 4, redesignate Section 9002 as Section 8108.

At the end of title VIII (page , after line), insert the following new section:

SEC. . During the current fiscal year and hereafter, no funds appropriated or otherwise available to the Department of Defense may be used to award a contract to, extend a contract with, or approve the award of a subcontract to any person who within the preceding 15 years has been convicted under section 704 of title 18, United States Code, of the unlawful manufacture or sale of the Congressional Medal of Honor.